

### **REMARKS/ARGUMENTS**

Claims 41-48 and 51 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub, U.S. Patent No. 4,854,045, in view of Vinci, U.S. Patent No. 5,875,413, McIntosh, U.S. Patent No. 5,313,376, and Helberg, U.S. Patent No. 6,043,438. Reconsideration of the rejection is respectfully requested.

Claim 49 was finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub, Vinci, McIntosh, and Helberg, and further in view of Tymkewicz et al., U.S. Patent No. 6,000,845. Reconsideration of the rejection is respectfully requested.

Independent claims 41 and 51 both provide, in part, for a, “[m]ultifunctional tool ... characterized in that the measuring and display device comprises an electronic scale for measuring and displaying a weight.”

The Examiner attempts to derive the feature of the electronic scale for measuring and displaying a weight by referring to McIntosh and Helberg, (Office Action, page 4, lines 4-20). However, the Examiner admits that, in McIntosh, a hook 8 is used to measure a weight, (Office Action, page 4, lines 5-6), and that, likewise in Helberg, the device also uses a weighing hook with an electronic display, (Office Action, page 4, lines 12-13). Thus, in both references, there is a weighing hook which is a mechanical and not an electronic device used for measuring the weight of the object being weighed.

In contrast, both independent claims 41 and 51 require “an electronic scale for measuring and displaying a weight.” Thus, independent claims 41 and 51 require that the electronic scale measure the weight as well as display it, whereas McIntosh and Helberg only disclose devices which measure the weight by use of mechanical means, i.e., a hook, rather than an electronic scale, which itself measures the weight, as required by independent claims 41 and 51.

Since each of claims 42-49 is directly or indirectly dependent upon independent claim 41, each of claims 42-49 is allowable over Schaub, Vinci, McIntosh, and Helberg for the same reasons recited above with respect to the allowability of independent claim 41 over Schaub, Vinci, McIntosh, and Helberg. With regard to Tymkewicz et al., it is directed toward a temperature sensing and indicating device, (abstract), and nowhere teaches, discloses, or suggests an electronic scale for measuring and displaying a weight, as required in independent claim 41, from which dependent claim 49 depends.

Claims 2-3, 8, 11, 13-14, 23, and 50 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub in view of Vinci, Kuhn, U.S. Patent No. 2,914,850, and Davis et al., U.S. Patent No. 6,298,336. Reconsideration of the rejection is respectfully requested.

Claim 25 was finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub, Vinci, Kuhn, and Davis et al., and further in view of Tymkewicz et al. Reconsideration of the rejection is respectfully requested.

Both independent claims 23 and 50 provide, in part, for a, “[m]ultifunctional tool comprising ... an access control member in the pocket knife, said access control member comprising an Access-Control-Circuit which emits an access signal.”

In attempting to derive the feature of the “access control member comprising an Access-Control-Circuit,” the Examiner cites both Kuhn and Davis et al. The Examiner contends that Kuhn discloses “an opening for keys (key chain) 16” which is “inseparable/integral part of a pocketknife. This would imply that a key could be attached to the opening and would, at least for some time, become a part of the pocketknife,” (Office Action, page 5, paragraph 6, lines 8-11). Applicants respectfully disagree.

Kuhn does disclose an opening 16 formed in one end of the knife body or handle portion 15 for hanging the knife on a key chain, (column 2, lines 1-4). However, the fact that keys could be also attached to the key chain does not lead to the conclusion that they become a part of the pocketknife. They are merely attached to the same key chain as the pocketknife, and Applicants fail to see how that leads to a conclusion that the key is a part of the pocketknife. It is respectfully submitted that there is no reasonable basis to conclude that the feature of the access control member being in the pocket knife, claimed in independent claims 23 and 50, is in any sense met by keys, which are never even mentioned in Kuhn, and which may or may not be on a key chain which may or may not be threaded through the opening 16 in a knife body or a handle portion 15.

The Examiner employs Davis et al. for the teaching of a smart ATM card/key which can be kept on a key chain, (Office Action, page 6, lines 6-8). The Examiner indicates that the smart card/key is equivalent to an access control member with access control circuit, (Office Action, page 6, lines 6-7).

The Examiner’s logic, however, suffers from a similar flaw to that pointed out above with respect to Kuhn. Even if the smart ATM card/key is an equivalent to an access control member

with access control circuit, the fact that it may be on a key chain still does not make the smart ATM card/key an access control member in a pocket knife, as required by independent claims 23 and 50.

Since each of claims 3, 8, 11, 13-14, and 25 is directly or indirectly dependent upon independent claim 23, each of claims 3, 8, 11, 13-14, and 25 is allowable over Schaub, Vinci, Kuhnle, and Davis et al. for the same reasons recited above with respect to the allowability of independent claim 23 over Schaub, Vinci, Kuhnle, and Davis et al. With regard to Tymkewicz et al., it nowhere teaches, discloses, or suggests an "access control member comprising an Access-Control Circuit," as required by independent claim 23, and, thus, by dependent claim 25.

New claims 52-91 reproduce claims 1-29 and 31-41, as they appeared in the Amendment After Final Rejection filed herein on April 5, 2005.

At least one measuring and display device is located in at least one cover plate or in at least one casing, and at least one pocket knife is disposed within the at least one cover plate, within the at least one casing, or within a combination of the at least one casing and a cover plate, (specification, paragraph beginning on page 4, line 22; page 5, lines 10-25; paragraph beginning at page 7, line 10; paragraph beginning on page 8, line 6).

Therefore, new independent claim 52 provides, in part, that at least one measuring and display device is arranged in at least one of the at least two cover plates, the at least two cover plates enclosing the at least one pocket knife. New independent claim 68 provides, in part, that the at least measuring and display device is arranged in the at least one casing enclosing the at least one pocket knife, a cover plate being on the at least one casing. New independent claim 79 provides, in part, that the measuring and display device is disposed in the at least one casing, the pocket knife being disposed in the at least one casing. New independent claim 80 provides, in part, that the at least one measuring and display device is mounted on the cover plate, the pocket knife being disposed in at least one casing and in the cover plate. New independent claims 81 and 87 provide, in part, that the measuring and display device is disposed in the cover plate, a mechanical knife being disposed in a casing, and the cover plate being on the casing. All of the aforementioned independent claims provide that the measuring and display device is disposed either in or on at least one cover plate or in at least one casing, the at least one pocket knife being disposed within at least one cover plate, within at least one casing, or within a combination of at least one casing and a cover plate.

In contrast, what the Examiner conceives to be a portion of the at least one measuring and display device in Schaub is a sensor, citing column 2, lines 36-38 of Schaub, (Office Action, page 2, paragraph 4, line 5 to page 5, line 1). The sensor unit is inserted in an intermediate module of the inventive modular pocketknife, instead of the tool blade 13, shown in Fig. 1, the tool blade 13 clearly being a part of the intermediate module or interchangeable section mounted with two tools 12, 13 (Fig. 1; column 1, lines 65-68; column 2, lines 36-41). Placing the sensor in this position as a substitute for a tool blade 13 in Schaub translates into replacing one of the at least one pocket knife with the measuring and display device claimed in the inventive claims.

However, this is not what is now required by the new independent claims. Those independent claims require that the measuring and display device be either in at least one cover plate or in at least one casing, both of which enclose or are outside of the at least one pocket knife.

The Examiner's attempts to combine Vinci with Schaub still does not justify the rejection of the new independent claims since, Vinci, according to the Examiner, "discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality" of "measuring/sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation," (Office Action, page 3, lines 17-20). Vinci does not change the location of the sensor in Schaub. Combining Vinci with Schaub would merely place the multifunctional handheld device of Vinci, albeit in a much reduced size, in the same location where Schaub indicates that it should be, namely within the interchangeable module, and, thus, equivalently for the inventive claims, within the at least one pocket knife.

Placing the at least one measuring and display device in either the at least one cover plate or the at least one casing, enclosing the at least one pocket knife, is clearly an improvement in utility over Schaub since Schaub places that sensor in the tool portion of the device, thus, substituting the sensor for a tool blade and reducing the number of tools which can be placed in the device. Obviously, placing the at least one measuring and display device outside the at least one pocket knife in either the at least one casing or in the at least one cover plate would allow an increased number of knives or other tools to be placed within the at least one cover plate or within the combination of the at least one casing and the cover plate, thus improving the utility of the devices claimed in the new claims over the disclosure of Schaub.

It is to be noted that a similar argument to the one made above with regard to new claims 52-91 was made in the Amendment After Final Rejection filed herein on April 5, 2005.

However, the Examiner, in the Office Action mailed on June 14, 2005 in response to the Amendment After Final Rejection filed on April 5, 2005, failed to respond to the argument and the claims, which are reproduced herein as new claims 52-91, and the Examiner did not state where in Schaub, Vinci or in any other reference the presence of a measuring and display device on a cover plate or in a casing was disclosed. The Examiner indicated that Schaub disclosed a display 21, a menu 22, and a cover plate or casing 23-24, (Office Action of June 14, 2005, page 3, lines 1-9), but did not indicate that Schaub discloses at least one measuring and display device located in a casing or cover plate on the outside of the pocketknife.

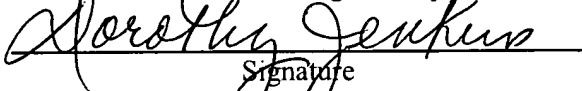
In view of the foregoing amendments and remarks, the allowance of claims 2-3, 8-9, 11, 13-14, 23, 25, and 41-91 is respectfully requested.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV342543068US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 14, 2006:

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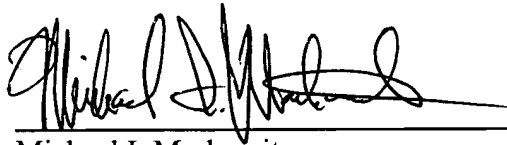
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